

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARDIONET, LLC, et al.	:	CIVIL ACTION
	:	
v.	:	No. 12-2517
	:	
MEDNET HEALTHCARE	:	
TECHNOLOGIES, INC., et al.	:	

ORDER

By Order of October 2, 2015, this Court granted in part Plaintiffs CardioNet, LLC, and Braemar Manufacturing, LLC's (collectively, CardioNet) Motion for a Finding of Contempt of the Consent Judgment by MedTel24, Inc. and for Appropriate Sanctions, finding Defendant MedTel24, Inc. (MedTel) was in contempt of ¶ 16 of the January 31, 2014, Consent Judgment in this case. The Court directed MedTel to comply with its obligations under ¶ 16 within 21 days of the date of the Order and directed MedTel's CEO, Mr. Lee Sanders, to submit a sworn declaration of compliance within the same 21-day period. The Court specified that failure to comply would result in the imposition of coercive fines for each day beyond the 21 days that MedTel and its CEO remained out of compliance. The Court reserved ruling on whether MedTel was also in contempt of ¶¶ 14 and 19 of the Consent Judgment and CardioNet's request for damages. To resolve these outstanding contempt issues and for the reasons set forth in the accompanying Memorandum, now, this 23rd day of November, 2015, it is ORDERED CardioNet's Motion for a Finding of Contempt of the Consent Judgment by MedTel24, Inc. and for Appropriate Sanctions (Document 274) is further GRANTED in part as follows:

1. The Court finds MedTel in contempt of ¶ 14 as well as ¶ 16 of the Consent Judgment.

2. To the extent it has not already done so, MedTel shall immediately cease and desist from any further violations of the terms of the Consent Judgment.

3. CardioNet is awarded \$681,256.03 in lost profits for the period from February 1, 2015, to August 15, 2015. CardioNet is also awarded lost profits for the period from August 16, 2015, until the date MedTel ceased providing ECAT monitoring services in an amount to be determined by the Court by multiplying 50% of the number of monitoring sessions MedTel completed during this period by \$830 (CardioNet's average revenue per monitoring session) by 61.76% (CardioNet's incremental profit margin). MedTel shall produce to CardioNet, on or before December 7, 2015, invoices showing the number of ECAT monitoring sessions MedTel completed from August 16, 2015, until it ceased providing ECAT monitoring services. The parties shall submit to the Court, on or before December 21, 2015, a joint stipulation reflecting the number of ECAT monitoring sessions completed by MedTel during this period for entry of a supplemental award of lost profits for this period.

4. CardioNet is also awarded reasonable attorneys' fees and costs associated with prosecuting the instant contempt motion in an amount to be determined by the Court following submission of an appropriate fee petition. CardioNet shall submit a fee petition on or before December 7, 2015. MedTel shall submit a response to the petition on or before December 21, 2015.

It is further ORDERED CardioNet's Motion for Sanctions Under Rule 11 and 28 U.S.C. § 1927 (Document 296) is DENIED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.

